



Environmental Fact Sheet

Procedures for Approving State Subtitle D Landfill Permitting Programs

In conjunction with the Environmental Protection Agency's (EPA's) requirements governing Subtitle D landfills, this action is a major effort to improve the safety of solid waste landfills nationwide. It provides states with approved permit programs flexibility in the way they choose to incorporate the federal requirements into their own solid waste management programs.

Action

Under the authority of the Resource Conservation and Recovery Act (RCRA), EPA sets environmental standards to be met by municipal solid waste landfills (MSWLFs) and nonmunicipal, nonhazardous disposal units that may receive conditionally exempt small quantity generator waste. RCRA requires states to adopt and implement permit programs to ensure that landfills in their states comply with the relevant federal standards. The law also requires EPA to determine whether state permit programs are adequate to ensure such compliance. This rule establishes the procedures for EPA to use in approving these state programs.

For their permit programs to be approved, states must provide opportunities for public involvement during the permit application process. In addition, states must have the power to issue permits and perform compliance monitoring and enforcement actions that ensure compliance with the federal standards. EPA's regional administrators have the authority to determine the adequacy of a permit program, as well as to withdraw approval of a program. If a state's program approval is withdrawn, the state may address the issues that led to the withdrawal and reapply for approval.

In states with no approved permitting program, Subtitle D landfill owners and operators must follow the specific, self-implementing provisions of the federal requirements. States with approved programs have the authority to allow significant flexibility to owners and operators in the way the federal standards are met. This flexibility can often reduce the financial burden associated with meeting the federal requirements. While this rule was under development, EPA used a draft version to approve state municipal solid waste landfill permitting programs. Consequently, MSWLF permitting programs have EPA approval in the majority of states.

This final rule confirms the permit program approval process for future applicants, provides a flexible framework for modifying approved programs, and establishes procedures for approval withdrawals.

For More Information

This fact sheet is available in electronic format on the Internet at www.epa.gov/oswer/non-hw/muncpl/landfill.htm. For additional information or to order copies of this or any other document, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460. Address e-mail to rcra-docket@epamail.epa.gov.